Ministry of Justice

Public and Private Rights Board

Annual Report for 2016

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This annual report is also available in electronic format from the Ministry's website at **www.saskatchewan.ca.**

Letters of Transmittal

Honourable Brad Wall

President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2016 to December 31, 2016.

Respectfully submitted,

J. Glen Gardner, Q.C.

Chairman

Staff

The staff of the Public and Private Rights Board are:

- J. Glen Gardner, Q.C. - Chairman
- Verna LeBlanc - Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land, or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

a. the route, situation or design of a public improvement; and

b. the amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. For this reason, the Board uses the services of The Dispute Resolution Office at the Ministry of Justice to deliver its mandate. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*[1]

The Board assists parties in their negotiations and, if necessary, mediates a settlement. In many instances, resolution can be reached prior to the formal expropriation process being initiated. This is beneficial to all the parties as it brings a neutral third party to work with them to ensure accountability, clear understanding and openness.

1 Kenneth J. Boyd, *Expropriation in Canada – A Practitioner's Guide* (Aurora, Ontario: Canada Law Book, 1988), p.27

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2016

i. Number and Nature of Claims Negotiated in 2015

(A)	**Carried forward from 2015:**		
i)	Route, Situation or Design	4	
ii)	Compensation	3	
	Subtotal	7	
(B)	**New claims received in 2016:**		
i)	Route, Situation or Design	3	
ii)	Compensation	11	
iii)	Claims withdrawn in 2015	2	
	Subtotal	16	

ii. Number and Nature of Claims Completed in 2016

i)	Route, Situation or Design	5
ii)	Compensation	7
	Total	**12**

iii. Number and Nature of Claims Carried Forward into 2017

i)	Route, Situation or Design	2
ii)	Compensation	9
	Total	**11**

b. Number and Nature of Claims Received by the Board in 2016 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	1	1	2
SaskPower	0	1	1
Highways	0	8	8
Miscellaneous	2	1	3

c. Resolution of Claims Initiated with the Board in 2016 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	3	0	0	3
SaskPower	0	1	0	1
Highways	4	1	2	7
Miscellaneous	1	0	0	1

d. Number and Nature of Claims Received by the Board (2006-2016)

Year	Route, Situation or Design	Compensation	Total
2006	1	2	3
2007	3	3	6
2008	3	3	6
2009	4	7	11
2010	2	3	5
2011	8	5	13
2012	1	9	10
2013	3	14	17
2014	16	12	28
2015	13	7	20
2016	3	11	14

e. Number of Claims Received by the Board by Expropriating Authority (2006-2016)

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Highways	Misc.
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0
2009	0	6	2	0	3	0
2010	0	1	1	0	3	0
2011	0	2	4	0	6	1
2012	0	1	3	0	4	2
2013	0	2	1	0	13	1
2014	0	3	2	0	21	2
2015	0	2	1	0	17	0
2016	3	2	1	0	8	0